

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:21-cr-866-1
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER
CHARLES LYNN,)	
)	
)	
DEFENDANT.)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Jennifer Dowdell Armstrong that the Court ACCEPT the plea of guilty of defendant Charles Lynn and enter a finding of guilty against defendant. (Doc. No. 151.)

On December 14, 2021, the government filed an Indictment against defendant. (Doc. No. 13.) On September 14, 2022, this Court issued an order assigning this case to Magistrate Judge Armstrong for the purpose of receiving defendant's guilty plea. (Doc. No. 145.)

On October 5, 2022, a hearing was held in which defendant entered a plea of guilty to Count 1 of the Indictment, charging him with Conspiracy to Distribute and Possess with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 846, and Count 2 of the Indictment, charging him with Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841. Magistrate Judge Armstrong received defendant's guilty plea and issued a Report and Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Doc. No. 715.)

Neither party objected to the magistrate judge's R&R in the fourteen days after it was issued.

Upon *de novo* review of the record, the magistrate judge's R&R is REJECTED, as the Court finds the Rule 11 plea colloquy to be insufficient and, at times, confusing. (*See generally*, Transcript of Guilty Plea Hearing (Doc. No. 153).) Accordingly, the defendant's plea of guilty is NOT APPROVED.

After consultation with the attorneys, a new change of plea hearing is scheduled for Wednesday, December 21, 2022, at 9:00 a.m. By agreement of the parties, it will be conducted via video teleconference.

IT IS SO ORDERED.

Dated: December 19, 2022



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE